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ORACLE AMERICA, INC.

22 UNITED STATES DISTRICT COURT  
23 NORTHERN DISTRICT OF CALIFORNIA  
24 SAN FRANCISCO DIVISION

25 ORACLE AMERICA, INC.,  
Plaintiff,  
26 v.  
GOOGLE INC.,  
Defendant.

27 Case No. CV 10-03561 WHA  
**ADMINISTRATIVE MOTION TO FILE  
UNDER SEAL RE: ORACLE'S RULE 59  
MOTION FOR A NEW TRIAL**

28 Dept.: Courtroom 8, 19th Floor  
Judge: Honorable William H. Alsup

1 Plaintiff Oracle America, Inc. (“Oracle”) hereby moves to file portions of its Rule 59  
 2 Motion for a New Trial and supporting materials under seal pursuant to Civil Local Rules 7-11  
 3 and 79-5.

4 The Order Approving Stipulated Protective Order Subject to Stated Conditions entered in  
 5 this case, ECF No. 68, states that when material has been designated as “CONFIDENTIAL” or  
 6 “HIGHLY CONFIDENTIAL – ATTORNEY’S EYES ONLY,” a party may not file it in the  
 7 public record, but must seek to file it under seal pursuant to Civil Local Rule 79-5. Stipulated  
 8 Protective Order § 14.4, ECF No. 66.

9 Google Inc. (“Google”) has designated material discussed in Oracle’s Rule 59 motion  
 10 “CONFIDENTIAL” and “HIGHLY CONFIDENTIAL – ATTORNEY’S EYES ONLY” pursuant  
 11 to the Protective Order. Therefore, Oracle moves to seal the following Google-designated  
 12 information:

<b>Document</b>	<b>Text to be sealed</b>
Oracle’s Rule 59 Motion for A New Trial	Text found at page 3:20-26; 4:26-27; 5:17-28; 6:1-6; 6:11-13; 6:19-20; 6:21-26; 7:1-8; 10:19-20; 10:28-11:1; 11:25-27
Matthew Bush Decl., Ex. G	Entire document
Matthew Bush Decl., Ex. L	Text at page 9:22-25; 25:1-26
Matthew Bush Decl., Ex. M	Entire document
Matthew Bush Decl., Ex. N	Entire document
Matthew Bush Decl., Ex. O	Entire document
Matthew Bush Decl., Ex. P	Entire document
Matthew Bush Decl., Ex. S	Entire document
Matthew Bush Decl., Ex. V	Entire document
Matthew Bush Decl., Ex. Y	Entire document
Matthew Bush Decl., Ex. AA	Entire document
Matthew Bush Decl., Ex. BB	Entire document

1	Matthew Bush Decl., Ex. FF	Entire document
2	Matthew Bush Decl., Ex. KK	Entire document
3	Matthew Bush Decl., Ex. PP	Entire document
4	Matthew Bush Decl., TX 2449	Entire document
5	Matthew Bush Decl., TX 4104	Entire document

7 Oracle states no position as to whether disclosure of these materials would cause harm to  
 8 Google or any third parties.

9 Oracle has also designated material discussed in Oracle's Rule 59 motion as  
 10 "CONFIDENTIAL" and "HIGHLY CONFIDENTIAL – ATTORNEY'S EYES ONLY." Oracle  
 11 moves for a very limited, narrow sealing order permitting Oracle to file under seal the following  
 12 documents reflecting confidential financial data and information reflecting business discussions  
 13 and negotiations with third parties:

Document	Text to be sealed
15 Oracle's Rule 59 Motion for A New Trial	Text reflecting third party names on pages 11, 12, 13, and 25
16 Matthew Bush Decl., Ex. W	Text revealing the identity of third parties on pages 87, 88, 98, 102, and 103.
17 Matthew Bush Decl., Ex. X	Text revealing the identity of third parties on pages 45, 46, 47, 48, 49, 54, 55, 56, 57, and 107
19 Matthew Bush Decl., Ex. Z	Text revealing the identity of third parties on page 214
20 Matthew Bush Decl., Ex. CC	Text revealing the identity of third parties on pages 147, 148, 156, and 242
21 Matthew Bush Decl., Ex. CC	Text revealing the identity of third parties on pages 147, 148, 156, and 242
23 Matthew Bush Decl., Ex. DD	Text revealing the identity of third parties on page 292
24 Matthew Bush Decl., Ex. MM	Text revealing the identity of third parties on pages 41, 42, 70, 71, 72, 73, 74, 75, 77, 80, 83, 84, 85, 91, 93, 94, 95, and 96
25 Matthew Bush Decl., Ex. NN	Text revealing the identity of third parties on pages 173, 174, and 175
27 Matthew Bush Decl., Ex. QQ	Text revealing the identity of third parties on pages 81, 82, 83, 84, 102, 103, 108, 109, 110, 111, 127, 128, and 129

1	Mathew Bush Decl., Ex LL	Text reflecting third party business discussions
2	Mathew Bush Decl., TX 5059	Text reflecting third party business discussions
3	Mathew Bush Decl., TX 5060	Text reflecting third party business discussions
4	Mathew Bush Decl., TX 5063	Text reflecting third party business discussions
5	Mathew Bush Decl., TX 5064	Text reflecting third party business discussions
6	Mathew Bush Decl., TX 5627	Text reflecting third party business discussions
7	Mathew Bush Decl., TX 5628	Text reflecting third party business discussions
8	Mathew Bush Decl., TX 5632	Text reflecting third party business discussions
9	Mathew Bush Decl., TX 5634	Text reflecting third party business discussions
10	Mathew Bush Decl., TX 5635	Text reflecting third party business discussions
11	Mathew Bush Decl., TX 5637	Text reflecting third party business discussions
12	Mathew Bush Decl., TX 5642	Text reflecting third party business discussions
13	Mathew Bush Decl., TX 5840	Text reflecting third party business discussions
14	Mathew Bush Decl., TX 5844	Text reflecting third party business discussions
15	Mathew Bush Decl., TX 5850	Text reflecting third party business discussions
16	Mathew Bush Decl., TX 5886	Text reflecting third party business discussions
17	Mathew Bush Decl., TX 5887	Entire document
18	Mathew Bush Decl., TX 5893	Text reflecting third party business discussions
19	Mathew Bush Decl., TX 5894	Text reflecting third party business discussions
20	Mathew Bush Decl., TX 5961	Entire document
21	Mathew Bush Decl., TX 6431	Entire document
22	Mathew Bush Decl., TX 6470	Entire document
23	Mathew Bush Decl., TX 6905	Entire document
24	Mathew Bush Decl., 9179	Text reflecting third party business discussions
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1       As set forth in the Declaration of Andrew Temkin, the limited information Oracle seeks to  
 2 seal is competitively sensitive information that Oracle maintains in confidence. Unnecessary  
 3 public disclosure of Oracle's confidential business discussions with third parties could cause  
 4 Oracle commercial injury and could harm Oracle's business relationships. Accordingly, Oracle  
 5 respectfully submits that the risk of competitive injury to Oracle justifies the narrowly tailored  
 6 relief requested. *See, e.g., Kamakana v. City & County of Honolulu*, 447 F.3d 1172, 1181 (9th  
 7 Cir. 2006) (setting standard); *Finjan, Inc. v. Proofpoint, Inc.*, 2016 U.S. Dist. LEXIS 15825, at \*5  
 8 (N.D. Cal. Feb. 9, 2016) (granting motion to seal confidential revenue data) (citing *inter alia*  
 9 *Nixon v. Warner Communications, Inc.*, 435 U.S. 589, 598, 98 S. Ct. 1306, 55 L. Ed. 2d 570  
 10 (1978) (holding access to court records has been denied when it includes "sources of business  
 11 information that might harm a litigant's competitive standing.").

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Dated: July 6, 2016

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By: /s/ Andrew D. Silverman

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